

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
Amendment of Part 97)	
of the Commission's Rules to)	
Eliminate Element 1, Morse Code))	RM-10782
Testing, in the Amateur Radio)	
Licensing Scheme)	

**Comment Submitted by
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I. Background.

A. Issue Before the Commission.

Before the Commission is an important question that will shape the future of the Amateur Radio Service, the radio service governed by "Part 97,"¹ for years to come. Currently up for Comment are a variety of Petitions to eliminate Morse Code testing from the licensing scheme. Among the Petitions is captioned Petition RM-10782, a document filed by a family of Technician Class licensees in Georgia.² It proposes eliminating the Morse Code proficiency test immediately. This Commenter does not favor such a wholesale repeal of this important part of Amateur Radio, although revisions in the licensing scheme may be appropriate, as discussed *infra*.

¹ See 47 C.F.R. § 97.1 *et. seq.*

² Petitioners include P.V. Coppola, KG4QDZ; T.M. Coppola, KG4YUM; and P.A. Coppola, KG4QDY.

As Petitioners correctly point out, the World Radio Communication Conference 2003 relaxed the International requirement that Morse Code testing be required for all operators below 30 MHz, the area commonly known as High Frequency ("H.F.").³ Therefore, discretion lies with the FCC to eliminate such testing, or to continue it.

B. Commenter

Commenter, Peter D. Baskind, is an Extra-Class licensee, operating under callsign N4LI. Residing in Germantown, Tennessee, he holds Juris Doctor and Master of Laws degrees.

II. Discussion.

A. Petitioners' Evidence and Argument.

To be sure, this is a very contentious and complicated subject. As Petitioners have noted, Morse Code has a deep tradition in Amateur Radio and remains an important part of the Hobby. However, the conclusion and recommendations of the Petitioners are without foundation, and overly radical.

While Petitioners provide the Commission with no evidence of their technical knowledge or expertise, they make numerous statements regarding use of Morse Code on H.F., as well as other modes, that simply do not seem to be supported by fact, and often are incorrect.

³ See Petition at 1.

First, Petitioners note that equipment for voice communication is more readily available than that for Continuous Wave transmission.⁴ While Commenter fails to understand the relevance of this assertion, it may be useful to address it. Any cursory browsing of a web site offering Amateur Radio gear for sale makes one realize that almost all transceivers capable of voice are also capable of Continuous Wave transmissions. But, contrary to the Petition, one may also find numerous transceivers that are Continuous Wave only. Those units are often in kit form and may be purchased for very little money.⁵

Petitioners' next assertion is that Morse Code communication is no longer the most efficient mode of communication available. They claim that newer digital modes such as Phase Shift Keying, 31 Baud ("PSK31") provide greater weak signal capabilities than Morse Code.⁶ Surprisingly, Petitioners offer no evidence for this blanket statement. While this Commenter often uses digital modes and enjoys them immensely, it remains unclear, to say the least, that modes such as PSK31 are more efficient than the more electronically simple Continuous Wave mode.⁷

⁴ See Petition at 3.

⁵ In fact, MFJ Enterprises, a Mississippi company specializing in Amateur Radio supplies, produces Continuous Wave-only kits available for under one hundred dollars. Those low-power units are capable of worldwide communication. For an example, follow this link: <http://www.mfjenterprises.com/products.php?prodid=MFJ-9320K>

Petitioners note that one of the fundamental purposes of Amateur Radio is "expansion of ... trained operators ... and electronic experts." See Petition at 2 (quoting 47 C.F.R. §97.1(d)). Doubtless, if those operators who wish to get access to H.F. bands were to construct such a kit, the stated purpose of §97.1(d) would be accomplished.

⁶ See Petition at 3.

⁷ One aspect of Morse Code operation simplicity that is not addressed by Petitioners lies in terms of needed equipment. Continuous Wave communications require little more than a small transceiver and a key. For PSK31, much more is needed. Most operations of the mode include a

Petitioners' comments regarding usefulness of eliminating Code testing in terms of national security is also without great merit.⁸ While it is true that need for radio operators during times of true national emergency may increase, it is also true that those with current No-code licenses would be licensed to operate anywhere on the Amateur bands above 50 MHz under the current license structure. Since practically all emergency communications are local in scope, this provides adequate access. Further, as Petitioners would surely agree, in those very limited times when a true national or local emergency arises that might require use of H.F. bands, rules of necessity would allow No-code Technicians, and indeed, the unlicensed, to operate on any frequency if it were to protect life or property. Therefore, that portion of Petitioners' argument falls under its own weight.

Petition also claims that enforcement issues have not increased since No-code licensees were allowed on V.H.F. and above.⁹ Again, this blanket statement lacks a scintilla of evidence.¹⁰ While Commenter does agree that those No-code licensees in his locality are generally good operators, and a credit to the Hobby, he cannot make that general statement for the nation as a whole. Further, it should be noted, that on H.F. bands, the harm caused by one deficient

transceiver, an interface box, and a computer running PSK31 encoding and decoding software. For more background on PSK31, check website <http://psk31.com/>.

⁸ See *id.*

⁹ See Petition at 4.

¹⁰ A quick look at the Commission's most recent batch of Enforcement Letters might indicate the Petitioners are wrong. Of the very few letters listed, at least one involves a No-code Technician, accused of causing interference on a local repeater. A list of the most recent letters can be found

operator can impact a far greater area than a more localized operator on V.H.F. or U.H.F. So, again, this argument fails.

B. Petitioners' Recommendations.

Petitioners recommend eliminating Element 1, the Morse Code test, immediately.¹¹ This is far too radical a step for the Commission to take at this time. This Commenter is concerned that such a wholesale change of the regime that has governed this Hobby since its inception could have irreparable implications for the valuable H.F. bands. Commenter is not, however, inflexible on the issue of allowing some access to frequencies below 30 MHz for those without Code, if such access is limited and well-policed.

Currently before the Commission are a variety of ideas about the future of Code testing within this hobby. Those advocating allowing Technician Class licensees to operate in the current Technician Plus bands¹² seem to make the best argument. Such access, it could be argued, would allow those without Code knowledge to get a "taste" of the worldwide bands. Perhaps such a taste would serve to add incentive to those who wish to continue on in the hobby to upgrade and increase their background in radio. Of course, considering that the licensee would not be familiar with Morse Code, it would be appropriate to allow use of all digital modes to these new H.F. Technicians.

on the America Radio Relay League's website at
http://www.arrl.org/news/enforcement_logs/2003/0823.html?nc=1.

¹¹ Commenter is also not sure it is proper for the Commission to make this momentous decision on its own Motion.

¹² See 47 C.F.R. § 97.301(e).

Allowing a limited role on the H.F. bands to Technician licensees would allow the Commission the ability to “test the waters,” measuring the impact of these new operators on the bands without opening the flood gates by allowing total access without Code. Should the experiment seem successful, it might be appropriate for the Commission to revisit the issue in future relative to higher license classes.¹³

At least in the short term, it seems clear that some sort of Morse Code testing should continue for at least the higher license classes (e.g., General and Extra). Numerous plans are currently before the Commission, ranging from simply keeping Element 1 alive for full H.F. access, to some sort of a hybrid test that would incorporate Morse Code testing as part of the holistic test. One recent Petition put before the Commission, authored by Bob Rightsell, AE4FA, and Harry Kholer, N0PU,¹⁴ would assign a point score to Morse Testing as part of a larger test. Presumably, those who are weak in Code could still be licensed if they performed well on the written portion of the test. While, to the knowledge of this Commenter, this Petition is not yet up for formal comment, this sort of system makes the most sense – it maintains the integrity of the bands while allowing new

¹³ If the Commission allowed total access without Code, and later found the “experiment” had failed, it might be difficult to reverse track. To remove some H.F. privilege from No-code operators in future might raise interesting Procedural Due Process issues that the Commission would doubtless like to avoid.

¹⁴ Since the Petition is not yet up for Comment, it is not possible to cite a Docket number. A copy of the Petition is available at the following address: <http://www.earth2.net/fcc/petition/>.

blood into the pool of operators.¹⁵ This is a compromise that is more than just a compromise for its own sake; it actually serves to further the Hobby.

III. Conclusion

Part 97 calls upon the Commission to “[e]ncourage[] and improve[] ... the amateur service through rules which provide for advancing skills in both the communications and technical phases of the art.”¹⁶ One wonders, especially at this early date, how removing the requirement for proficiency in the communicative art of Morse Code would further this laudable aim. To remove Morse testing wholesale from the licensing structure is reckless and premature. The Commission should keep the test in some form within the licensing scheme.

Respectfully submitted,

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¹⁵ This Petition also serves to simplify the current license structure by rolling the Advanced Class license into the Extra, and the Novice into the resulting new Technician Class. That seems to be an excellent idea.

¹⁶ 47 C.F.R. §97.1(c).